

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 899 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

LAXMANBHAI BIJALBHAI PARMAR

Appearance:

Mr. K.P. Raval, A.P.P. for appellant.

Respondents served.

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 08/10/97

ORAL JUDGEMENT

Accused/respondents were facing trial under Sections 453, 380, 504 and 114 all of IPC. They came to be held guilty on admission and thereafter the learned Judicial Magistrate, First Class, Dehgam, decided to give benefit of probation and accordingly passed order in Criminal Case No. 192 of 1991 on 8.7.1992.

The State has filed the appeal which should have been under Section 11 (2) of the Probation of Offenders Act and that is exactly what the cause title indicates. However, the appeal should have gone before the learned Sessions Judge. That apart when the benefit of probation has been given after considering the report of the Probation Officer and having relevant consideration of family circumstances of accused Nos.2 and 3, who are husband and wife, and similar relevant consideration in respect of the remaining two accused as well, I do not find any reason to interfere with the same. The appeal is, therefore, dismissed.